

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

KEVIN J. KAYLOR

CIVIL ACTION

v.

BRIAN COLEMAN, *et al.*

NO. 13-69

ORDER

AND NOW, this 15th day of May, 2014, upon consideration of the Petition for Writ of Habeas Corpus, the Commonwealth's Answer, inclusive of all exhibits thereto, the Petitioner's Traverse, inclusive of all exhibits thereto, the other documents filed by the parties, and after review of the Report and Recommendation of Chief United States Magistrate Judge Carol Sandra Moore Wells, is hereby **ORDERED** that:

1. The Report and Recommendation is **APPROVED AND ADOPTED**;
2. The Petition for a Writ of Habeas Corpus is **DISMISSED** and **DENIED**, without an evidentiary hearing; and
3. Petitioner has neither shown a denial of federal constitutional right, nor established that reasonable jurists would disagree with this court's disposition of his sole claim on procedural grounds. Consequently, a certificate of appealability is **DENIED**.

IT IS SO ORDERED.

BY THE COURT:

Harvey Bartle
HARVEY BARTLE, III, J.

ENTERED

MAY 15 2014

CLERK OF COURT